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Citation for published version:

O'Neill, R & Wilks, R 2021, *The Impact of the British Sign Language (Scotland) Act 2015 on Deaf Education*.

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The impact of the British Sign Language (Scotland) Act 2015 on deaf education

This report has been produced to contribute to the review of the first national BSL plan (National Plan), due October 2021, and to act as a discussion point for parents, teachers, organisations and deaf young people themselves about what changes the Act has so far made in relation to their education.

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6 November 2021

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1 Introduction

The BSL (Scotland) Act 2015 was passed on 17 September 2015, received Royal Assent on 22 October 2015 and signified a new era in the BSL campaign for legal recognition across the UK (Lawson et al, 2019), and can be referred to as a direct attempt to cause 'procedural change to affect policy' and to 'influence behaviour changes in target actions' (Keck & Sikkink, 1998).

The Act aims to promote the use and understanding of BSL (section 1(1)) and required the Scottish executive to prepare and publish a national plan in relation to BSL (section 1(2)), setting out the Scottish Government's BSL strategy (section 1(3)(a)). It also requires listed authorities, defined as 'any body or office-holder (other than the Scottish Ministers themselves) which is a Scottish public authority with mixed functions or no reserved functions' (section 7) to prepare and publish their own BSL plans (section 2(1)), setting out measures to be taken in relation to the use of BSL (section 2(2)(a)).

The first National Plan by the Scottish Ministers was published on 24 October 2017 (Scottish Government, 2015), pursuant to section 1(5) of the Act. There are ten long-term goals, a number of which are related to early years, school education and post-school education. Firstly, public bodies were expected to make their information and services across the Scottish public sector accessible to BSL users. Secondly, families and carers with deaf children should be given information about BSL and Deaf culture and be offered support to learn to sign with their child. Thirdly, children who use BSL are to be encouraged to reach their full potential at school and be supported in their transition to post-school education.

BSL plans from a number of public authorities were subsequently drawn up in 2018 following the publication of the National Plan, including all local authorities, but curiously, none of the bodies allocated specific tasks in the National Plan were required to do so. These included the Scottish Qualifications Authority (SQA), the General Teaching Council for Scotland (GTCS), the Scottish Funding Council (SFC) and Education Scotland (Scottish Government, 2021). We argue that this has had a significant impact on their commitment to date.

The difficulty in assessing the effectiveness of the BSL (Scotland) Act 2015 is that it has been very much in its early stages, with the first BSL plans only drawn up as

recently as 2018. The first progress report was due in 2020, within the three years beginning with the date on which the first national plan is published (section 4(3)(a)), but the Covid-19 pandemic has delayed it until October 2021.

This is the first opportunity to assess the effectiveness of the BSL (Scotland) Act 2015 and this is the task undertaken in this report. We have chosen to focus on the Act's impact on education of deaf children and young people because the first National Plan includes education, but a focus on deaf children or young people's education is not explicit. We wondered how far the Act had changed attitudes and practices in Scotland in relation to deaf education.

By education we are including the support provided by local authorities to the families of deaf children aged 0 to 5 years old as well as school-aged support for deaf pupils up to the age of 18, and university support for deaf learners. This report is released in response to the publication of the first progress report, which sets out the Scottish Government's views about progress made in relation to the promotion, the facilitation of promotion of BSL (section 4(2)(a)), and the progress made by the relevant listed authorities (section 4(2)(b)), from which it will be possible to ascertain in the first instance whether the BSL (Scotland) Act 2015 is, indeed, making its intended impact.

The report firstly examines the relevant goals contained within the National Plan and how these were manifested in the BSL plans. It then considers how Scottish Ministers, local authorities and other public bodies have fulfilled their roles (or not) in promoting the use and understanding of BSL according to the goals set out.

The audience for this report is: Members of the Scottish Parliament, civil servants, public bodies and interested members of the public.

1.1 Aim of the Research

Research Question: To what extent has the BSL (Scotland) Act 2015 had a positive effect on the education of deaf children and young people in Scotland in their use of BSL?

The aims are three-fold:

- To review documents from official and other sources from 2013 to examine issues about deaf children's access to BSL over this period;

- To consider the impact of both the BSL (Scotland) Act 2015 and where applicable, the Equality Act 2010; and
- To prepare a further proposal to use a wider range of methods to gather viewpoints.

Approval was granted by the University of Edinburgh Moray House School of Education and Sport Ethics committee to use documentary analysis to explore this research question (Ref 2672, 28 February 2020). The sources of evidence used were:

- Submissions to Parliament in both rounds of consultation on the BSL Bill in both BSL, on a Facebook site, and written English;
- The National Plan and local BSL plans;
- Websites of colleges and universities;
- Adept newsletters, sent to colleges, universities and Communication Support Workers (CSWs);
- Deaf Teachers Group Instant Messenger chat group;
- The BSL Act Facebook group, running since the BSL Act was passed with BSL posts; and
- Websites of deaf organisations, particularly those of the BSL Partners supporting the implementation of the National Plan.

We used documentary analysis as an initial pathway into the research area. Of these sources of evidence, all were publicly available documents apart from the views from the Deaf Teachers Group. Explicit approval was gained from all current members to analyse posts from this forum, ensuring anonymity for users.

2 The National Plan

There are 15 goals set out in the National Plan (Scottish Government, 2017) considered relevant for this study related to family support, early learning and childcare, school education and post-school education. For the purpose of this report, the relevant goals are split under three themes: providing families of deaf children with support in the learning of BSL, teaching, and the role of Scottish public bodies.

Scottish ministers set out to ensure that families of deaf and deafblind children have access to BSL resources as early as possible (Goals 11-15) by way of digital platforms, key programmes such as 'Bookbug' and ensuring that these BSL resources and advice are developed. Interestingly, the focus on deaf children learning BSL is on those 8 years and up. Otherwise, while there is an expectation of providing BSL resources for families of deaf children, there is no equivalent expectation for providing like resources for deaf children aged 0 to 8 to learn BSL.

In relation to teaching, an onus is placed on the GTCS to remove barriers for BSL users to become registered teachers (Goal 16) and to review the guidance it provides to teachers of pupils who use BSL (Goal 18). Education Scotland is required to lead on work with BSL users to develop information and advice about how parents who use BSL can get involved in their child's learning (Goals 20-21). Scottish ministers are required to look into the level of BSL held by teachers and support staff working with deaf children in schools (Goal 17),

Continuing the focus on public bodies in implementing the National Plan, the SQA was expected to develop an initial suite of awards in BSL; Scotland's National Centre for Languages (SCILT) should lead a programme of work to support BSL learning for hearing pupils by establishing an expert advisory group (Goals 23-24); a steering group to support colleges and universities in developing their own BSL plans should be run by the SFC (Goal 26); and the Student Award Agency Scotland (SAAS) was required to offer accessible advice and guidance to students who use BSL (Goal 27).

3 National Public Authorities

In terms of the BSL plans, the public authorities mentioned in the National Plan (see above) were not required to produce BSL plans. Given that they have particularly significant roles in the implementation of the National Plan, this appears to be a rather strange anomaly. Upon closer examination, however, the Scottish Government decided that instead of requiring all national listed authorities to produce their own plans, a single national plan would cover all national public bodies answerable to Scottish Ministers (Third, 2017). The reasoning behind this was to allow Government to take a strategic and coordinated approach to the actions that needed to happen at national level. This approach affected the SQA, GTCS, Education Scotland, SCILT, SFC and SAAS, all of which are national public bodies. Upon questioning, the Minister, Alasdair Allan (2015) acknowledged that such an approach could dilute authorities' sense of ownership of the actions to be taken on BSL, perhaps because they would have had less to do with the development of the plan and would not have been required to carry out their own consultations. However, he argued that the National Plan would be flexible enough to take account of the fact it might have to be interpreted differently by different bodies.

There was (at least initially) some reticence on the part of the public authorities to engage with the BSL Act. In Education Scotland's response to the BSL Bill consultation, when it was known as Learning Teaching Scotland, it made it clear that it was against any such Act and posited that existing education legislation and existing equality legislation were sufficient, and that the introduction of more narrowly focused legislation would be unhelpful and complicate the implementation of this existing legislation (Scottish Parliament Information Centre Archive, 2010 consultation BSL Bill, item 447).

3.1 Implementation

As a starting point, this study examined the websites of the GTCS, SQA, Education Scotland, SCILT, SFC and SAAS to ascertain how seriously they have accepted their responsibilities as set out in the National Plan, and indeed, whether they have achieved their goals.

The GTCS does not have any specific pages on their website about the BSL (Scotland) Act 2015, and their Public Register does not currently offer the option to search for deaf or BSL-using teachers with their level of BSL fluency. They have published guidance (2021) about deaf children in mainstream schools, but it does not refer to Goals 16 and 18 nor to the GTCS' responsibilities under the National Plan. The SQA has developed webpages dedicated to their suite of BSL awards which may be taught in schools (SQA, no date), and continue to maintain a webpage providing information about deaf pupils using BSL in exams (SQA, no date). There is no information for deaf pupils in BSL on this site. Education Scotland (2021a) have a dedicated section of their website which focuses on BSL. There is a BSL translation of relevant content in BSL, but all the translations are situated on one specific page rather than on the same page as the original text that has been translated, as is usual for most websites with BSL translations. There is a webpage (2021b) that focuses on the BSL (Scotland) Act 2015 and national/BSL plans, but it does not mention Education Scotland's own role in the implementation of the National Plan.

The SCILT website is considerably out of date with its last article discussing the BSL (Scotland) Act 2015 referring to it as a Bill. There are no pages dedicated to the Act or the role it must play in implementing the National Plan, and in particular, no mention of the expert advisory group it was required to establish as per Goals 23 and

24. The SFC was required to establish a steering group to support colleges and universities in developing their own BSL plans (Goal 26). There is no specific mention of the steering group on their website, but they do acknowledge their role in annually reviewing institutions' BSL plans linked with college and university outcome agreements (no date). They did, however, co-host with the BSL Partners (formerly the Deaf Sector Partnership) a BSL showcase event marking the publication of all the colleges and universities' BSL plans (SFC, 2019; 2021). Contrasting the role of the SFC within the National Plan with its role in implementing the Gaelic language plan, the SFC makes £200,000 per year available for Gaelic education opportunities in further and higher education (SFC, 2021).

Finally, the SAAS have produced videos in BSL (SAAS, no date) explaining to deaf students the process of entering higher education, as per Goal 27. Like Education Scotland, however, all the translations are situated on one specific page rather than on the same page as the original text.

Overall, all six national public bodies do not expressly refer to their specific roles as set out in the National Plan on their websites. They have, however, with varying degrees of success, actioned the goals allocated to them in the National Plan. It remains to be seen whether any actions that are not publicised on their websites have been implemented, requiring us to examine alternative sources of information.

4 BSL Plans

Each council in Scotland has a local authority plan, though some have joined together with health care providers and colleges (e.g. the Ayrshires) to make a joint plan. All the plans are available on a website dedicated to the BSL (Scotland) Act 2015 (Education Scotland, 2021). In the analysis which follows we focus on deaf children's experiences rather than the provision of BSL as a second or third language for hearing children (Goals 23 and 24).

4.1 Family Support, Early Learning and Childcare

The conceptualisation of how local authorities perceive languages emerges from the Early Years sections of the local authority plans. At its most reductive it is 'a card' (Aberdeenshire, Education Scotland, 2021b) with information on. At its most inclusive it is a commitment for parents and wider family members learning BSL to

remain in step with the child's BSL fluency (Education Scotland 2021b: Ayrshires). The plans were likely drawn up by council officials but also in many cases with input from Teachers of Deaf children (ToDs), who clearly had a role in many plans, with considerable discussion of how much they are already doing about early years with deaf children (Education Scotland 2021b: Inverclyde; Edinburgh; Falkirk). Ideas about language acquisition which emerge from the plans are that there are two groups of deaf babies and young children: 'BSL children' or 'BSL pupils' (Education Scotland 2021b: Dumfries and Galloway) and 'other deaf children.' It is not clear what parameters exist that determine whether a child will fall into the former or latter categories. We are hoping to progress to interviews at the next stage of this research where we can investigate how far these binary attitudes persist.

The plans often show a lack of understanding of what learning or acquiring a language involves, such as the provision of staff fluent in BSL, and encouraging the development of a community of BSL users that families can join in. This implies staff time is needed to provide language modelling and input. The obvious answer is that learning or acquiring BSL needs to start as early as possible, but there is a lack of resources with nursery staff not having the correct fluency, and the amount of exposure being too short and not sustained enough to allow deaf infants to acquire BSL (Dills and Hall, 2021), with age 0 to 3 being the most important period for language acquisition. Using studies of bilingual spoken languages in young children as a guide, we estimate that for successful BSL acquisition, deaf infants need to have around 40% of the week interacting with fluent BSL users (Pearson and Amaral, 2014).

Early years activities since the introduction of newborn hearing screening in 2005 have become a key area for ToDs. Councils know about the Scottish Sensory Centre's early years standards (2011), co-constructed with many stakeholders, but actual provision varies widely (CRIDE, 2021). No local authority currently provides BSL as an actual language option to families and deaf children on a continuing basis for families with deaf children aged 0 to 5 with consistent input of fluent BSL in an immersion setting (see discussion of how much input is needed for fluency in two languages in Treffers-Daller and Silva-Corvalan, 2015). The lack of BSL as a real option is likely due to cuts in local authority services since 2011, but it may also be

due to a lack of discussion and acknowledgement of the importance of the early years for bilingual growth.

Staff working in the early years sector are not currently bilingual in BSL and English. There are no courses in Scotland for nursery nurses to become fluent in BSL. The dominant approach of early years across the UK is that nearly all deaf children should become fluent in spoken English (Lewis, 2016). Success with spoken language for deaf children has improved dramatically since the 1990s because of early diagnosis, better hearing aids and cochlear implants. However, BSL should be available; many children are not making good progress with speech-only methods. ToDs know this, but so far in Scotland we have not seen any alternative approaches which could include nurseries from age 2 with fluent BSL user models, peripatetic nursery workers able to visit homes, and ongoing BSL courses for parents. According to most of the early years plans, the role of the local authority for deaf children is providing support, giving information and keeping this provision to a minimum.

The limitations of working with deaf children aged 0 to 5 could also be due to the loss of ToDs over the past decade (CRIDE, 2019, p.14). The CRIDE report shows that there has been a 30 percent loss of ToD posts between 2010 and 2019 in Scotland. In addition, the proportion of untrained ToDs over this period has increased from 24 to 34 percent.

These issues and others are hardly considered in these early years BSL plans. Instead, the plans often mention a deferral to 'partner organisations,' that is, turning to charitable organisations to plug the gap in council services, rather than committing to providing BSL as a real option for language acquisition.

4.2 School Education

There are 27 plans covering 31 councils with one plan currently unavailable (Education Scotland, 2021b). The Equality Unit circulated a template (Equality Unit, 2018) to help councils create their BSL plans. The councils either adopted the template in its entirety, used a reduced version of it, embellished it or produced their own.

Clackmannanshire, East Renfrewshire, East Lothian, Moray, North Lanarkshire, Orkney, West Dunbartonshire and West Lothian **adopted the template** without

changing it, suggesting they did not carry out any local consultations in relation to BSL with school-aged children. Scottish Borders and Eilean Siar used a **reduced template**, suggesting that they do not prioritise education in their local BSL plans. The Scottish Borders' only point about education was to raise awareness that BSL is part of the 1+2 policy for schools, ignoring the needs of deaf children altogether. Ten further councils **embellished the template** suggesting some discussion at local level, including some covert opposition to some features of the National Plan (see Perth and Kinross). Finally, the Ayrshires (which covers three councils), East Dunbartonshire, Falkirk, Fife, Glasgow and Highland produced **their own plans** which were a strong departure from the template suggesting they all undertook a significant consultation process.

Discourse analysis as a method includes looking at what is *not* in the plans (Mullet, 2018) (see North and South Lanarkshire where the decades-old language policy of moving signing deaf children south and speech-only children north is not mentioned) as well as what is covertly signalled (see Perth and Kinross and Scottish Borders justifying the existing BSL levels of ToDs). The very short BSL plans of two councils suggests they are only reluctantly participating (Eilean Siar and Shetland).

4.2.1 Resourced schools

In terms of existing provision of deaf education, the councils that produced their own plans tended to have resourced primary and secondary schools. In addition, Falkirk has a deaf school at primary level, and East Dunbartonshire has no resource base schools. In contrast, Aberdeen, North and South Lanarkshire and Dundee have resourced base schools or a deaf school but departed little from the template. Lanarkshire (North and South) is particularly interesting for not mentioning what everyone knows in these authorities about a longstanding education BSL plan: BSL children are placed in resourced based schools in South Lanarkshire (O'Neill, forthcoming).

It is not possible to correlate the existence of resourced schools with councils' approach to their plans, although it is certainly true that those that have a resource base for deaf children were more likely to produce their own plans. It would be interesting to interview the people responsible for the BSL plans and the heads of

service and/or ToDs in these areas to find out how the plans were drawn up and what areas of difficulty there were.

4.2.2 Learning BSL

The template provided by the Equality Unit did not mention deaf children's learning in BSL. This was due to a number of issues. The Scottish Government appointed the National Advisory Group (NAG) to help draw up the first National Plan (Public Appointments, 2016). However, the eight deaf members of the NAG before applying had to show no involvement in working for national deaf organisations such as the British Deaf Association (BDA); hearing members were drawn from public bodies, and one was a parent of a deaf child, but had little knowledge of BSL (Lawson et al, 2019).

Also, the Equality Unit's BSL Policy Officer worked across all departments in discussing the developing National Plan, but education was reportedly difficult to involve. It has been challenging to discover the views of education civil servants as there are restrictions on how they can report on their actions. In contrast, in Wales in 2014 a petition started by a deaf youth group (Senedd, 2014) to the Senedd and strong support for BSL from language teachers in Wales (Goldsmith, 2021), led to the launch of the new national curriculum with BSL for deaf children at the core of its languages and literacies section (Welsh Government, 2021). Thus, we can see that the provision of a BSL Act is not necessarily the most effective way to introduce bilingual language rights for deaf children.

The focus on deaf parents of hearing children in the National Plan and the template is welcome, but it also reinforces the idea that BSL is 'natural' in deaf families, and not in hearing families. Some councils have signalled this divide, such as Argyll and Bute's plan which implies that BSL is too complex:

"SSE takes the signs from BSL and uses them in the order that the words would be spoken in English. This means a working knowledge of the signs for different words is needed in order to understand and use SSE, but the more complex grammar of BSL is not." (Argyll and Bute, 2018, p.14)

The National Plan goals about deaf parents of deaf families have been addressed by the provision of a collection of videos on the Education Scotland website (Education

Scotland, 2021c). This means these specific goals have also been achieved for all the councils which followed the template.

We would conclude that the limited definition of what a BSL child is could have led councils to set out cautious plans in relation to deaf children learning BSL. The recent Welsh Government initiative shows that BSL is welcome in the mix of languages which deaf children should be introduced to, whereas in Scotland there are still monolingual assumptions. The National Plan specifies that a BSL user is someone 'whose first or preferred language is BSL' (Scottish Government, 2017, p. 3). For deaf children though, 92 percent of whom are born to hearing families (Mitchell and Karchmer, 2004), it is not easy to say what their first language is; one solution is to adopt a translanguaging approach where all languages are welcomed and encouraged in the child's environment, even if they are not used in the family home, as is the case in Wales (De Meulder et al., 2019; Welsh Government, 2021).

4.2.3 Other policy areas

We also see mention of other policy areas and discourses in these education BSL plans, such as the Education (Additional Support for Learning (ASL)) (Scotland) Act 2004 and policies such as Getting it Right for Every Child (GIRFEC). Highlands mentions the ASL legislation as providing support enough for what they do already, i.e. supporting BSL users at transitions (Highland Council, 2018, p. 8). West Dunbartonshire mentions the Inclusion Fund, a funding stream aimed at early years in private and publicly funded nurseries (Scottish Council for Voluntary Organisations, 2021), possibly as a way of locating funding to pay for BSL teaching (West Dunbartonshire, 2018, p.7). This is the unspoken question – the Act imposed duties on councils with no funding earmarked for their action plans which put them in a particularly difficult situation particularly as the Scottish Government had been making cuts since 2011.

4.3 Comparison with Gaelic

We have carried out a comparison of the most recent Gaelic plans from local authorities with the local BSL plans. There are some interesting parallels and contrasts. The legislation to produce local Gaelic plans comes from the Gaelic Language (Scotland) Act 2005, which has parallels with the BSL (Scotland) Act 2015.

- Councils often adopt similar language in both their BSL and Gaelic language plans. For example, Aberdeenshire demonstrates the card approach:

“A pre-school card will be created on the benefits of bilingualism and will give details of Gaelic resources and websites available. This will be distributed through libraries via health visitors to all new parents through the Bookbug Baby packs and will include a tear-off slip to be handed back to libraries with feedback on interest in Gaelic Education” (2016, p. 21).

- Some councils, particularly in areas where there are few Gaelic speakers, rely on outside bodies to provide input and initiatives. For example, in Angus:

“We will support Bòrd na Gàidhlig in delivering their initiative to increase the use of Gaelic in the home through libraries, pre-school settings, and health partnerships” (2019, p. 24).

- Some councils are explicit about the lack of government funding for expanding Gaelic Medium Education:

“We will increase the number of young people engaging in GME in early years, primary and secondary. This will depend on [Scottish Government] funding” (East Dunbartonshire, 2020, p. 23).

It is often the same people who draw up these BSL plans for councils, so it is not surprising that similar approaches are applied. We have evidence from some BSL plans that ToDs have not been involved, because good practice sign bilingual examples have not been referred to (see Midlothian’s plan, for example, which does not mention the bilingual developments at Bonnyrigg Primary School). We suggest that councils have often produced the BSL plans while under pressure from local authority cuts. Although more funding has been made available for initiatives in Gaelic than in BSL, the response from councils has often been similar: minimal initiatives, waiting for funding, and expecting outside input rather than taking responsibility for language plans.

5 Views of deaf teachers

We gained the approval of all 18 current members of the Scottish Deaf Teachers Group (DTG) to analyse anonymised Instant Messenger Group posts. Members were shown a video in BSL, an information sheet and gave explicit consent. There have

been 28 members of this group from when it was founded in June 2016 to June 2021. No names of members have been used or identifying features given. Of the 18 current members, 13 are qualified schoolteachers currently working as teachers. Three of the teachers are qualified teachers of deaf children and three more are currently enrolled on postgraduate diploma courses with a view to qualify. A further three work as classroom assistants, one is a lecturer and another is a member of a third sector organisation, formerly on an initial teacher education course. Eight of the group are currently teaching deaf children and ten use BSL fluently.

The entire chat history of the DTG group over the five-year period was downloaded and anonymised and then analysed to construct themes using NVivo20. We were interested to find out whether members of this group were improving deaf children's access to BSL, whether they had contributed to the National Plan, and whether the BSL (Scotland) Act 2015 or other legislation was having an impact on their work. Goal 16 of the National Plan states that the Scottish Government will with the GTCS remove barriers that make it difficult for BSL users to become registered teachers. We thought that the DTG may also demonstrate evidence on other points in the National Plan such as Goal 17 (levels of BSL held by ToDs), goal 18 (guidance for teachers on working with pupils who use BSL), and Goal 23 (the teaching of BSL to hearing pupils).

The main concern of the DTG was clearly Goal 16. Although the group is not wholly composed of BSL users, this was a major theme running through the group's discussions. The evidence here follows the main topics discussed as members join the group, find out more about the education system, apply to an initial teacher education course, go on placements, progress to probation year, then find a job in a school. Some then continued to train as a teacher of deaf children. There were barriers for deaf BSL users at each of these stages.

5.1 Knowledge of the education system

One of the major topics in the DTG is sharing knowledge of how the education system works. In particular, information is shared about how universities select students for initial teacher education, the progress of deaf schools and services in Scotland and sometimes more widely in the UK, how the GTCS allocates probation years, recruitment for ToD posts, details of policies towards BSL children in different local

authority services, career promotions, different ways of being interviewed for a teacher post, and the role of the mentor during the probation year.

5.2 Mentoring

Closely related to sharing information is mentoring. One group member stands out as offering experience and advice, Dr Audrey Cameron, who has agreed to be named here. She became a chemistry teacher in 2005 after undertaking placements and completing her probation year, followed by teaching in mainstream schools. Her positive role model and support for members in the DTG is constant. She passes on practical advice about how to manage BSL/English Interpreters, the Department of Work and Pensions' Access to Work scheme (ATW), deal with employers, and how to work with colleagues initially surprised to be working with a deaf teacher. Other experienced and new teachers also offer advice and support about next steps such as attending an interview or setting up a classroom for the first day.

5.3 Attitudes to BSL and language policies

These discussions ranged from ones about the implementation of the National Plan to microaggressions experienced on a daily basis by deaf teachers. For example:

T sent 14 June 2019: Bad news on the placement front for me so far. X school were keen to take me on, but it turns out the people responsible for implementing the National Plan in (Y - name of Local Authority) had no funding to implement anything. With that issue, they were unable to offer me an allocation in (Y) as a guarantee.

S sent 14 June 2019: I was told today I will have a teacher in the classroom because of the equality act (????) apparently GTC is putting this in place. This is very new to me and not heard of... however good news - I can end this type of 'support' if I don't think it's necessary. I was surprised when I found out, did anyone get anything like this?

W sent 14 June 2019: You mean a teacher in mainstream class?

.....

S sent 16 September 2019: The council admitted to discrimination on Friday They admitted that they didn't see me as a nqt [Newly Qualified Teacher] but as a deaf nqt And as a result I had a teacher watching me teach Because they weren't sure I could do it 100% And this week is the first time I'm doing it by myself. Slowly getting my confidence back.

S sent 16 September 2019 Yeah during my first induction a guy came up to me and said "how, how, how did you pass!!!"

T sent 16 September 2019 What?

The evidence suggests that the securing employment is a serious hurdle, and that the attitudes of teachers, line managers and mentors are often hostile to deaf teachers. This is particularly true when the deaf teacher uses BSL in preference to spoken English. These unspoken and unwritten language policies could prevent deaf BSL users joining the teaching workforce.

5.4 Probation year

Most members were in initial teacher education and the DTG reported good support from their universities and on placements. For example, some students were able to negotiate placements at deaf-friendly schools which had resource bases for deaf children. It is clear, however, that difficulties tended to start in the probation year.

Initially, new probationers who use BSL meet with the relevant local authority to negotiate their communication support, usually in the form of two BSL/English Interpreters, and in particular, whether the local authority will pay for one BSL/English Interpreter, with ATW paying the other. This is difficult for new teachers because authorities do not understand the system. Group members were also unsure whether the GTCS would accept a probation year in a school with a resource base for deaf pupils.

In terms of local authority allocation, BSL users were understandably anxious about where they would be placed because BSL/English Interpreters live mainly in the central belt of Scotland. Interpreters would not want to travel to distant authorities and sometimes probationers were placed at such locations at random by the GTCS's automated allocation system. In addition, interpreting in a classroom is a demanding

role which many BSL/English Interpreters find daunting: it requires subject knowledge as well as the ability to adopt an appropriate 'teaching voice' which matches the probationer's signing style. The huge cost of booking through interpreting agencies is also a frequent theme raised through the discussions.

Mentors were often not aware of the probationer's needs, for example organising a meeting about an observation without a BSL/English Interpreter present. Teachers reported waiting for the senior management team to arrange deaf awareness sessions for staff and pupils, and often had to set these up themselves.

There was evidence of a considerable amount of support from DTG members when teachers reported passing their probation year. Some deaf teachers moved straight into deaf education, whereas others continued teaching in mainstream settings to build up their experience.

The DTG chat history was clearly a valuable source of information about how the BSL (Scotland) Act 2015 is working. It shows that local authorities are often not providing support for deaf teachers in practice. The GTCS met with the DTG on 23 January 2018, but there have been no follow-up meetings and decisions in relation to these issues have not been communicated to the members.

6 Post-School Education

All the College and University BSL plans are collected on one website (Scottish Government, 2021a). References to individual college and university plans below can be found from this link. We analysed all the college and university BSL plans and the websites to look for evidence that the plans are being implemented. The college websites are all available from the Colleges Scotland link (2021) and the university ones from Universities Scotland (2021).

6.1 College BSL Plans

There are 16 colleges in Scotland, all of which offer higher as well as further education. Six of the colleges have carefully thought out BSL plans which reflect the effort put into devising them. Amongst these, City of Glasgow College stands out as having an excellent plan and guarantees services to deaf BSL using students such as BSL/English Interpreters. This college currently supports about 20 BSL students per year and has done so for many years. Other successful plans are those of Borders

College, Dundee, Edinburgh, Fife and West College Scotland. For example, at West College Scotland a deaf student at the college translated the BSL plan. There is also a BSL induction video. The feature which unites all these better plans is that they focus on BSL students' access to the classroom, not just the learner journey which the template asks about.

As with the school plans, a template was sent out to colleges to assist them in drawing up their plans. Amongst these colleges there is evidence of some good practice, such as a case study example of a deaf student who uses BSL succeeding on a college course (Forth Valley College). Three colleges have enhanced templates, and seven colleges produced a minimum BSL plan and adopted the template. In this group are some colleges which have clearly not understood what the plan is aiming to do. For example, it is not clear if Glasgow Kelvin College's plan is addressing deaf learners or their access staff:

'All staff have a responsibility that Blind / deaf tactile Learning users and those who support them are equally likely to access learning opportunities' (Glasgow Kelvin College).

The same issue arises with the template as occurs with the school plans: what happens in the classroom has not been specified in the template. This means that the plans generally do not discuss BSL/English interpreting or classroom learning for BSL students.

We looked at the college websites to see whether there was evidence yet of the BSL plan being implemented and at the language used about deafness. These were the terms more often used in colleges which kept to the template: 'sensory impairment,' 'hearing difficulties,' 'hearing impairment,' 'deaf' or 'hearing difficulties.' In the more confident plans, the person who provides BSL access in the college is called a 'Communication Support professional,' an 'interpreter,' a 'Communication support Worker' or a 'BSL facilitator.' In the colleges which kept to the template, the terminology is more often a 'BSL signer' or 'signing.' Often there is no mention of this role at all because the classroom and learning are not discussed. Ultimately, only eight of the college plans mention in-class access to interpreters.

Checking these colleges for their provision of BSL as a language, it is notable that there is only one college with Scottish Credit and Qualifications Framework (SCQF) 6 BSL provision, and it is a college that generally does not provide support for BSL students at all. The solution to this would be for the SFC to instruct colleges in each region to offer SCQF 6 courses and above. This would improve the BSL skills of staff in education and other sectors who work with BSL users.

The SFC asks institutions to provide an annual report on progress with their individual BSL plan, which is part of their Outcome Agreement (SFC, 2021). This means that funding potentially could be withdrawn if colleges and universities do not commit to their BSL plans. It is challenging for colleges to know how to refer to deaf students, and how to demonstrate that good access will be provided for students who use BSL. Deaf BSL users also often use speech, hearing aids and assistive devices based on listening, i.e. they move between English and BSL in different situations in translingual ways (Swanwick, 2017). Colleges could receive more guidance from the SFC and the College Development Network (CDN) to share good practice and recognise the way deaf people often use several approaches.

6.2 University BSL plans

Of the 19 Scottish universities, nine have well developed plans which go well beyond the template. The plans are detailed and specify who should carry the actions out and by when. Four of these universities discuss classroom learning and arrangements for BSL students' support on their plans (University of Dundee, 2018; University of Edinburgh; 2018; Glasgow Caledonian, 2018; Robert Gordon University, 2018; Royal Conservatoire of Scotland, 2018) even though the template did not refer to this crucial point.

The University of Edinburgh employs a BSL Officer to oversee their large and complex plan. There are features of this plan which are parallel to the university's Gaelic plan, such as the idea of cheaper rent for students who use BSL living together and acting as a boost for other students learning the language. This university does not yet offer BSL for credit but is developing an undergraduate degree in primary education with BSL.

The Royal Conservatoire in Glasgow has experience running the BA Performance in BSL and English programme. Their plan includes discussion of deafblind people, intersectionality e.g. support for deaf BSL users who are LGBT, and they discuss plans for building a deaf audience for performances, including aiming to bring in families with deaf children. Their website is particularly powerful for showing BSL video clips of deaf BSL users as staff and students.

Five universities have enhanced templates, many with good ideas about the BSL student's journey. The University of Aberdeen for example, calls for funding to attract BSL users to the north east of Scotland:

'3.2.6 In partnership with local partners lobby the SFC/Scottish Government for additional funding for BSL training in the North East of Scotland and the development of incentives to retain BSL Interpreters in the North East' (University of Aberdeen, 2018).

Five universities have weak plans which are little more than a replication of the template. Some of these also have an absence of information for BSL users on their website or in their plans, or a message suggesting to BSL users it may not be worth applying:

'If you require BSL sign language interpreters or electronic note takers please contact the Disability Team as soon as possible as we may have difficulty sourcing this level of support in the St Andrews geographical area. Although we will strive to meet the support required we cannot guarantee this level of provision' (University of St Andrews).

It is true that there are not enough BSL/English Interpreters working outside the central belt in Scotland (Mapson, Crawley & Waddell, 2019), but these universities could try other solutions. For example, St Andrews University could train postgraduate students to become electronic notetakers, trial remote BSL interpreting or share a BSL/English Interpreter with University of Dundee and Tayside University, only 13 miles away.

Six of the universities have recent or ongoing research about deaf BSL users, evident from their websites. Professor Jemina Napier of Heriot Watt University has established links with many of them. The four Edinburgh universities are currently setting up an agreement to work together in relation to BSL and Deaf studies issues. These

developments are welcome and could lead to new areas of research, teaching and support for deaf students and staff.

As with the colleges, there are often contradictions between the language of the BSL plans ('BSL user' is the standard term) and the language used to describe deaf people on the website. In the universities with the least developed BSL plans it is noticeable that the language on the website is medical or focused on inability rather than focusing on BSL as an indigenous language and on Deaf culture: 'hearing aid to communication,' 'deaf and hearing loss,' 'additional support.'

The university sector is relatively affluent compared to other parts of the education system. Universities could do more to look at the way they portray themselves on their websites to match the promises in their BSL plans. More could offer BSL for credit. Good practice should be shared across the sector to see how to effectively support deaf BSL users as students, members of staff and visitors. In addition, monitoring BSL language use amongst students and staff would make a useful collaborative contribution to the better implementation of the National Plan: it is not as simple as recording a first language, as many students and staff are multilingual.

7 Third Sector Organisations

The UK third sector has assumed a growing service-delivery role in social care, health, housing, regeneration, education and social inclusion (Kendall, 2000), and the implementation of the BSL (Scotland) Act 2015 is no exception. The Equality Unit proposed the NAG be set up with a life expectancy of two years which was designed to support the Government with establishing a starting point for the first National Plan, and was composed of ten deaf BSL users, a parent of a deaf child and ten national bodies (Lawson et al, 2019, p. 76; Deafblind Scotland, 2021).

Following the publication of the National Plan, the NAG was abolished, and the Deaf Sector Partnership (DSP) was set up, tasked with implementing the Plan. The DSP originally comprised of the BDA, Deaf Action, Deaf Connections, Deafblind Scotland, the National Deaf Children's Society (NDCS) and the Scottish Council on Deafness (SCoD) (Scottish Government, no date; DSP, 2015).

The Scottish Government reports that between 2015 and 2017, it allocated nearly £900,000 via DSP members. There is no list of funding recipients available, but we

know projects were delivered by Deaf Action (support with college and university BSL plans), the BDA (Deaf Roots and Deaf Pride project and apprenticeships) and the NDCS (family sign). It is not clear what funding, if any, was allocated post-2017 to the present day, and this will be explored further at the next stage of this research project.

The DSP appears to have been disbanded and replaced with the BSL (Scotland) Act 2015 Partnership (Deaf Action, no date), and its members now only comprise of the BDA Scotland, Deaf Action, Deafblind Scotland and the NDCS (BDA, 2021). This change in membership will also be explored at the next stage.

Lawson et al. (2019, p. 79) remarked that the ambiguous influence of charities for deaf people would be instrumental in the degree of progress that can be made towards legal recognition of sign languages. This is certainly true. Given that implementation of the National Plan and BSL plans are subject to cyclical review, it appears to be rather short sighted to implement the National Plan goals by way of project funding for the third sector. This is in contrast with the Gaelic Language (Scotland) Act 2005, which established the Bòrd na Gàidhlig and gave it a key role in promoting Gaelic in Scotland, advising Scottish Ministers on Gaelic issues, driving forward Gaelic planning and preparing guidance on Gaelic education (section 1).

The lack of transparency regarding the evolution of the NAG to the DSP and then the Partnership and their role and funding streams is also a concern, given that it is not clear how they directly relate to the National Plan, and the role of the national public bodies.

7.1 Deaf Action

The role of Deaf Action (in particular BSL Officers Charlotte Addison and Mark McMillan) in the implementation of Goals 26 and 27 is clearly evident on the BSL (Scotland) Act (2015) Facebook Page. Posts cover information about how to save money with food (Addison, 24 June 2021), transport (Addison, 14 June 2021) and student's rights (Addison, 25 May 2021), questionnaires for students about BSL at their colleges and universities (Addison, 17 May 2021), how to engage with BSL plans and BSL Lead Officers (McMillan, 2 March 2021), promoting the work of SAAS (Addison, 1 March 2021; McMillan, 25 August 2020), setting up a BSL Information hub for Students (Addison, 1 February 2021), and publishing two progress reports

(McMillan, 19 January 2021) and general guidance on how to enter further or higher education (Addison, 12 January 2021).

According to Deaf Action's interim (2020a; 2020b) and final (2021) reports, they lead a steering group of colleges and universities, and given that they are working with SFC, this appears to be the continuation steering group that the SFC is charged with establishing to support colleges and universities in developing their own BSL plans as per Goal 26 of the National Plan. It appears that the work of Deaf Action was funded through the DSP, and that this project recently ended. There is no indication as to whether and how this work will be continued.

7.2 Adept

The National Association for Tertiary Education for the Deaf (NATED) was a group of people interested in support for deaf students across the UK with an active Scotland-based group. This group regularly produced newsletters which were sent to student support offices in colleges and universities in Scotland. The group renamed itself the Association of Deaf Education Professionals and Trainees (Adept) from 2015. We have analysed the newsletters to look at how deaf BSL users are portrayed and whether issues connected to their support are addressed. Five newsletters were available before the BSL (Scotland) Act 2015 was passed (2012 – 2015) and three after the Act (2016 – 2019). The group has not produced newsletters since the Covid-19 pandemic started.

From 2012, the group was interested in improving the quality of access professionals working with deaf students. Educational interpreting is a frequent theme and training days for CSWs were regularly advertised. The group recognised that colleges needed more guidance:

'It was agreed that SCoD and NATED will work together on developing guidelines on how to recruit and use CSWs; SCoD would support NATED in lobbying for full time CSWs and tutors.' (2012, p. 2)

This campaign for having a tutor in each college who could support a wide range of deaf students continued throughout the period but seems to have had little effect. The group organised regular free workshops and conferences which were well attended by college staff in particular.

Following the publication of the Wood report in 2014 (Scottish Government, 2014) the group tried to improve information for deaf BSL users at school and college about apprenticeships:

‘Adept Scotland’s response to the Wood report and to SDS is to say: show us the funding. Why is it so hard to find? And how are you communicating to deaf young people, those who use BSL and those who use speech, to improve their chances of training and employment? How does SDS communicate to colleges and schools about the additional support for disabled students on Modern Apprenticeships?’ (March 2015)

Skills Development Scotland (SDS) responded and met with members of Adept. Since then, SDS has worked closely with the British Deaf Association to produce BSL videos about apprenticeships (SDS, February 2021).

The group started to investigate changes which might be evidence of the impact of the BSL (Scotland) Act:

‘Before 2015 it was common for deaf students to report Communication Support Workers in colleges to be unqualified, not knowing where to sit or stand in class, have unexplained absences, not working in teams, and not understanding the subject matter. Has there been a difference?’ (October 2019).

This group has provided valuable support for colleges and universities in Scotland. The group may have more impact if they use a website rather than newsletters. It could possibly support the CDN in providing information to colleges about ways of supporting deaf BSL users particularly in colleges.

8 Conclusions and Recommendations

The progress report on the BSL (Scotland) Act 2015’s National Plan has recently been published (Scottish Government, 2021b). The report highlights further actions which national public bodies, councils, colleges and universities can take.

Having conducted a review of the impact of the National Plan on deaf education, in particular its issues, failures and successes, we would like to contribute the following recommendations.

Recommendation 1

A public debate about the purpose of language plans with BSL and Gaelic users would help workers in the public sector to engage with ideas about language acquisition, immersion and bilingual learning and translanguaging in more depth. This could then inform the next version of the BSL plans.

Recommendation 2

National public bodies should provide more transparency regarding their progress in terms of implementing the goals that have been allocated to them.

Recommendation 3

The Scottish Government should amend the template to councils, colleges and universities to include the use of BSL for learning in and out of the classroom, the basis of education. This could include BSL as a subject on offer to deaf children, BSL as the medium of instruction for deaf children, and BSL/English Interpreters in educational settings.

Recommendation 4

Following the introduction of a new template, a revision of seven college and five university plans is recommended (further details of suggestions are available on request with more detailed evidence).

Recommendation 5

Reviews of local BSL plans should continue to engage with deaf BSL users, parents of deaf children and ToDs to listen to their views to ensure that existing and new good practice is included in the plans.

Recommendation 6

Transparency with regard to the funding of third sector organisations by the Scottish Government or national public bodies, whether through the BSL Partners or directly, needs to be improved.

Recommendation 7

The GTCS should set up a working group with the DTG to discuss the barriers deaf BSL users face as they become teachers particularly in relation to the probation year.

Recommendation 8

Agreement should be reached between the Scottish Government, GTCS and the Scottish Sensory Centre about how at least half of ToDs in each local authority can reach SCQF 6 BSL or above within three years so that early years advice to parents could include BSL as an available language.

Recommendation 9

The SFC should encourage colleges to offer more advanced BSL courses and several universities to offer BSL at all levels for credit.

Recommendation 10

The SFC should promote a course for fluent BSL users, deaf and hearing, to become nursery workers to enable council plans for BSL access in early years to be possible. The City of Glasgow College would be able to support deaf students on a course like this.

Recommendation 11

The CDN should work with Adept and other organisations such as the BDA to provide more specific guidance to colleges about support for BSL students and staff, particularly in relation to what they put on their websites.

Recommendation 12

Search engines for council, college and university websites should tag videos in BSL more effectively so that deaf BSL users can find information quickly in BSL, if it is available.

Recommendation 13

As there is an inconsistent approach to the organisation of BSL on the national public bodies, councils, colleges and universities websites, the Scottish Government should provide guidance regarding the translation of information on websites, so that BSL is treated equally to English and Gaelic.

Recommendation 14

Universities should share good practice and staff, such as BSL/English interpreters, and encourage the training of other associated workers such as electronic notetakers.

Some of these recommendations will need Government support (for example Recommendation 8). Others could draw on other funding streams; for example, Recommendation 10 could use the Apprenticeship Levy which councils hold to fund trainees to attend a sign bilingual nursery nurse course. Most of the recommendations would have minimal cost but would considerably improve the impact of the BSL plans on the Scottish education system, including the life chances of deaf children and young people.

As researchers, we will now move on to interview key stakeholders in the public authorities and organisations we have examined here. We are also interested in conducting comparisons between Scotland and Wales in relation to the bilingual education of deaf children.

We would like to particularly thank the members of the Scotland DTG for agreeing to share their discussions with us.

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